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EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/932,033	Applicant(s) PETROVYKH, YEVGENIY	
	Examiner Ashok B. Patel	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) 1-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-51 are subject to examination. Claims 1-42 are cancelled.

Response to Arguments

2. Applicant's arguments with respect to claims 1-42 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 43 and 46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 43 recites the limitation "the internet" in line 4, "the two or more IM servers in the internet" and "the IM servers in the internet in lines 11 and 12 respectively of the claim.

Claims 46 recites the limitation "the two or more IM servers in the internet" and "the IM servers in the internet" in lines 8-10 respectively of the claim.

Claims 46 recites the limitation "the communication center routing rules", "the stored agent data" and "the needed IM capability" in lines 11-12 respectively of the claim.

Claim 49 recites the limitation "the required IM capability" and "the IM protocol capability" in lines 15 and 17 respectively of the claim.

There is insufficient antecedent basis for these limitations in the claims.

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5. Claims 43, 46 and 49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that they fail to point out what is included or excluded by the claim language. These claims are omnibus type claim, and also Claims 43, 46 and 49 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are:

a. Claim 43 recites, "an IM server in a communication center, the server connected to the internet and to a Local Area Network (LAN) also connecting workstations used by agents of the communication center".

Does this mean that "workstations used by agents" and LAN are connected directly to IM server?

For the purpose of this Office Action, Examiner interprets the claim limitation as "LAN" connects the workstations used by agents to IM server. Please advise.

b. Claim 43 recites, "consults the communication center routing rules, capabilities", what is this "capabilities"?

c. Claim 43 recites, "Different IM service", what does this mean?

d. Claim 43 recites, "a set of routing rules for the communication center; and stored agent data at the communication center, the data including agent availability and capability relative to one or more IM protocols;", where does this information reside "at the communication center"?

- e. Claim 46 recites, "A communication center Instant messaging (IM) server connected to a data-packet-network and to a Local Area Network (LAN) also connecting workstations used by agents of the communication center".

Does this mean that "workstations used by agents" and LAN are connected directly to IM server?

For the purpose of this Office Action, Examiner interprets the claim limitation as "LAN" connects the workstations used by agents to IM server. Please advise.

- f. Claim 46 recites, "consults the communication center routing rules, capabilities", what is this "capabilities"?
- g. Claim 49 recites, "consulting the communication center routing rules and capabilities", what is this "capabilities"?

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless-

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 43-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Huck (US 6, 985, 576).

Referring to claim 43,

Huck teaches an Instant Message (IM) Communication system, comprising:

two or more proprietary IM servers in a data-packet-network (Fig.1, element 20, col. 4, line 3-30, "The system 10 further includes a web server 20. Although shown as a single component, the web server 20 may include one or more components. The web server 20 is a computer including components typical of web servers, e.g., such as RAM, ROM, a processor, hard drive, floppy drive, tape drive, Zip .TM. drive, CD-ROM, communications hardware, etc., and runs a multi-user multi-tasking operating system such as LINUX or UNIX, for example. Software is installed on the web server 20 to support chat, collaboration, e-mail, web phone, etc. Such web servers are known in the art and will not be discussed here in any detail. The system 10 further includes one or more client machines 22, 24, 26, 28, which are selectively coupled to the web server 20 by modem or other conventional communications method. The client machines 22, 24, 26, and 28 are computers, such as personal computers, or computer terminals bearing software capable of one or more of: e-mail, web collaboration, chat, or web phone operation. Although FIG. 1 shows respective client machines 22, 24, 26, and 28 running different client software programs, it will of course be understood that the client machines are respectively capable of running more than one of the illustrated client programs. Because the web server 20 runs a multi-user, multitasking operating system, multiple clients could be running e-mail programs at the same time, multiple clients could be running chat sessions, multiple clients can be running web collaboration sessions, and multiple clients could be running web phone sessions all at the same

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time, for example.”), each providing a different IM service and protocol to specific clients (col. 4, line 24-30, “Because the web server 20 runs a multi-user, multitasking operating system, multiple clients could be running e-mail programs at the same time, multiple clients could be running chat sessions, multiple clients can be running web collaboration sessions, and multiple clients could be running web phone sessions all at the same time, for example.”);

an IM server in a communication center (Fig. 1, element 30), the server connected to the internet (Fig.1, element 31) and to a Local Area Network (LAN) (Fig. 1, element 18, col. 3, line 29-35) also connecting computerized workstations used by agents of the communication center (Fig. 1, elements 38, 40, 42, 44, 46);

a set of routing rules for the communication center and

stored agent data at the communication center, the data including agent availability and capability relative to one or more IM protocols (Fig. 1, element 34, col. 6, line 45-col. 7, line 16, “Prior art automatic call distribution systems typically maintain state, or know about all agents and what they are doing at any given time. This centralizes capability and limits scalability and flexibility. In contrast, the call distribution server 30 does not need to maintain state (though it can for statistical purposes). The call distribution server 30 instead queries the agents 38, 40, 42, 44, and 46 in real-time to determine their status and availability. This process is generally used regardless of whether the client machine is an e-mail client 22, a web collaboration client 24, a chat client 26, a web phone 28, or a PSTN phone 14 or a facsimile machine 16. The determination of which agent to use for a specific situation is performed by the rules

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engine 34. In one embodiment, the rules engine 34 is a conventional rules processing component. The rules engine 34 can use an inference engine, or simple sequential logic. Rules engines are known in the art and are described, for example, in U.S. Pat. No. 5,913,061 to Gupta et al., and in U.S. Pat. No. 5,933,816 to Zeanah et al., both of which are incorporated herein by reference.

The Soft-ACD uses publish/subscribe technology. More particularly, in one embodiment, publish/subscribe software is installed on the server 30. Publish/subscribe software is known in the art for other applications. See, for example, U.S. Pat. No. 5,913,061 to Gupta et al., which is incorporated herein by reference. Publish/subscribe software that is employed, in one embodiment, is TIB/Rendezvous.TM. software available from TIBCO of Palo Alto, Calif., which is described in U.S. Pat. Nos. 5,557,798, 5,257,369, and 5,187,787 to Skeen et al., all of which are incorporated herein by reference.

In the embodiment shown in FIG. 2, agents "subscribe" to a set of skills such as language (English, French, Spanish, German, etc.) product (home electronics, appliances, music, computers, finance, returns, etc.), customer class (standard, silver, gold, etc.) or any other business defined skills . The rule-set defines the appropriate skills for a given user (e.g., based on previous contact) or media contact type (e-mail, voice call, chat, etc.). These skills can be updated by the agents in real time." **Note:** col. 8, line 62-63, "(50) In step S19, chat routes the chat session to the selected agent." And "col. 9, line 20-21, " In step S28, collaboration routes a chat session to the selected agent."

wherein the JM server in the communication center receives IM notifications from the two or more IM servers in the Internet, the notifications representing desired communication between specific clients of the IM servers in the Internet and an agent of the communication center, consults the communication routing rules capabilities, and the store agent data to determine an available agent with the need IM capability, and establishes IM communication between the specific clients and the agent determined to be available and to have the needed IM protocol capability (col. 6, line 45-col. 7, line 16).

Referring to claim 44,

Huck teaches the system of claim 43 wherein the IM server in the communication center, in the event of receiving an IM notification, conducts IM communication with the specified client initiating the notification, elicit information from client, and uses the elicited information along with the agent data and availability to determine the capable and available agent with whom to establish the IM communication for the client. col. 6, line 45-col. 7, line 27, col. 8, line 46, col. 9, line 6, 33 and 50).

Referring to claim 45,

Huck teaches the system of claim 43 wherein the data-packet network is the Internet network. (col.3, line 25-35).

Referring to claim 46,

Claim 46 is a claim to a communication center Instant Messaging (IM) that is implemented in the system of claim 43. Therefore claim 46 is rejected for the reasons

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set forth for claim 43. (please note that version of instant messaging software are identified as being Chat and Web Collaboration Session requiring Chat.)

Referring to claim 47,

Claim 47 is a claim to a communication center Instant Messaging (IM) that is implemented in the system of claim 44. Therefore claim 47 is rejected for the reasons set forth for claim 44.

Referring to claim 48,

Claim 48 is a claim to a data-packet network that is implemented in the system of claim 45. Therefore claim 48 is rejected for the reasons set forth for claim 45.

Referring to claim 49,

Claim 49 is a claim to a method for establishing an instant message communication carried out by the system of claim 43. Therefore claim 49 is rejected for the reasons set forth for claim 43.

Referring to claim 50,

Claim 50 is a claim to a method for establishing an instant message communication carried out by the system of claim 44. Therefore claim 50 is rejected for the reasons set forth for claim 44.

Referring to claim 51,

Claim 51 is a claim to a data-packet network that is implemented in the system of claim 45. Therefore claim 51 is rejected for the reasons set forth for claim 45.

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the

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references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

abp


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